United Nations S/2016/196

Security Council

Distr.: General
26 February 2016

Original: English

Letter dated 26 February 2016 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit herewith the twenty-ninth monthly report of the Director General of the Organization for the Prohibition of Chemical Weapons (OPCW), submitted pursuant to paragraph 12 of Security Council resolution 2118 (2013) (see annex). The present letter covers the period from 23 January to 22 February 2016.

With respect to the destruction of the chemical weapons production facilities, one hangar has yet to be destroyed, as the prevailing security situation prevents access to this hangar. I take note of the note by the Director General to the OPCW Executive Council (see enclosure), in which he indicated that the locations of two other stationary above-ground facilities remained outside the control of the Syrian Government.

As at the end of this reporting period, the OPCW Declaration Assessment Team had completed 14 visits to the Syrian Arab Republic. I take note of the reference by the Director General, in his note to the Executive Council, of the ongoing fifteenth visit of the Team to meet with Syrian authorities in Beirut and to retrieve samples.

I recall that the OPCW Director General will be reporting to the OPCW Executive Council before its eighty-first session, in March 2016, on the details of all unresolved issues, in particular those on which no further progress has been made. In this regard, I note that the Director General has issued a report, which will be taken up by the Executive Council at its next session. I reiterate my call for continuing cooperation between the Syrian authorities and OPCW, which is a requirement for further progress.

The OPCW fact-finding mission in the Syrian Arab Republic has completed its latest mission, aimed at further understanding the circumstances under which certain blood samples taken during its work showed the presence of sarin or a sarin-like substance. I understand that the information and data collected in the course of this further investigation are currently being examined by the fact-finding mission.

In relation to the work of the OPCW-United Nations Joint Investigative Mechanism, further to its report of 12 February 2016 (S/2016/142), I have been informed by the Head of the Joint Investigative Mechanism, and have the honour to inform the members of the Security Council, that they will be focusing on the following cases during phase II of their investigation that starts on 1 March 2016 (in chronological order):

Please recycle

- Kafr Zita, Hama Governorate, 10, 11 and 18 April 2014
- Al-Tamanah, Idlib Governerate, 29 and 30 April and 25 and 26 May 2014
- Talmenes, Idlib Governorate, 21 April 2014
- Qmenas, Idlib Governorate, 16 March 2015
- Sarmin, Idlib Governorate, 16 March 2015
- Binnish, Idlib Governorate, 23 and 24 March 2015
- Marea, Aleppo Governorate, 21 August 2015

I urge all members to support the work of the Joint Investigative Mechanism, in particular by providing or giving access to information on the cases referred to above.

(*Signed*) **BAN** Ki-moon

Annex

[Original: Arabic, Chinese, English, French, Russian and Spanish]

I have the honour to transmit to you my report entitled "Progress in the elimination of the Syrian chemical weapons programme" prepared in accordance with the relevant provisions of OPCW Executive Council decision EC-M-33/DEC.1, and Security Council resolution 2118 (2013), both dated 27 September 2013, for transmission to the Security Council. My report covers the period from 23 January to 22 February 2016 and also covers the reporting requirements of Executive Council decision EC-M-34/DEC.1, dated 15 November 2013.

(*Signed*) Ahmet **Üzümcü**

Enclosure

[Original: Arabic, Chinese, English, French, Russian and Spanish]

Note by the Director General of the Organization for the Prohibition of Chemical Weapons

Progress in the elimination of the Syrian chemical weapons programme

1. In accordance with subparagraph 2 (f) of the decision by the Executive Council (hereinafter "the Council") at its Thirty-Third Meeting (EC-M-33/DEC.1, dated 27 September 2013), the Technical Secretariat (hereinafter "the Secretariat") is to report to the Council on a monthly basis regarding the implementation of that decision. In accordance with paragraph 12 of United Nations Security Council resolution 2118 (2013), the report by the Secretariat is also to be submitted to the Security Council through the Secretary-General.

2. The Council, at its Thirty-Fourth Meeting, adopted a decision entitled "Detailed Requirements for the Destruction of Syrian Chemical Weapons and Syrian Chemical Weapons Production Facilities" (EC-M-34/DEC.1, dated 15 November 2013). In paragraph 22 of that decision, the Council decided that the Secretariat should report on its implementation "in conjunction with its reporting required by subparagraph 2(f) of Council decision EC-M-33/DEC.1".

3. The Council, at its Forty-Eighth Meeting, also adopted a decision entitled "Reports of the OPCW Fact-Finding Mission in Syria" (EC-M-48/DEC.1, dated 4 February 2015).

4. This, the twenty-ninth monthly report, is therefore submitted in accordance with the aforementioned Council decisions, and includes information relevant to the period from 23 January to 22 February 2016.

Progress achieved by the Syrian Arab Republic in meeting the requirements of EC-M-33/DEC.1 and EC-M-34/DEC.1

5. Progress by the Syrian Arab Republic is as follows:

(a) As reported previously, significant progress has been made with the 27 chemical weapons production facilities (CWPFs) declared by the Syrian Arab Republic. The Secretariat has verified the destruction of 24, and three remain to be verified as destroyed. In summary, of the 12 robustly constructed CWPFs (five underground structures and seven reinforced aircraft hangars), only one hangar remains to be destroyed. The Secretariat has also verified the destruction of eight mobile units and five stationary above-ground facilities. Within the reporting period, the security situation continued to preclude safe access to the aforementioned hangar to be destroyed. Also, as the locations of two other stationary above-ground facilities remain outside the control of the Syrian Government, their condition cannot be confirmed at this time.

(b) On 16 February 2016, the Syrian Arab Republic submitted to the Council its twenty-seventh monthly report (EC-81/P/NAT.5, dated 15 February 2016)

regarding activities on its territory related to the destruction of its CWPFs, as required by paragraph 19 of EC-M-34/DEC.1.

(c) The Syrian authorities have continued to extend the necessary cooperation in accordance with the implementation of subparagraph 1 (e) of EC-M-33/DEC.1 and paragraph 7 of United Nations Security Council resolution 2118 (2013).

Progress in the elimination of Syrian chemical weapons by States Parties hosting destruction activities

6. As reported previously, all the chemicals declared by the Syrian Arab Republic that were removed from its territory in 2014 have now been destroyed.

Activities carried out by the Secretariat with respect to the Syrian Arab Republic

7. The Secretariat and the United Nations Office for Project Services continued their cooperation in the context of the OPCW Mission in the Syrian Arab Republic. Seven OPCW staff members were deployed as part of that mission as at the cut-off date of this report (this includes the Declaration Assessment Team (DAT)).

8. The Director General has continued to communicate with senior officials of the Government of the Syrian Arab Republic. As requested by the Council at its Seventy-Fifth Session (paragraph 7.12 of EC-75/2, dated 7 March 2014), the Secretariat, on behalf of the Director General, has continued to brief States Parties in The Hague on its activities.

9. The Secretariat and the Syrian authorities have maintained their ongoing cooperation on outstanding issues regarding the Syrian initial declaration, as encouraged by the Council at its Seventy-Sixth Session (paragraph 6.17 of EC-76/6, dated 11 July 2014). Further, and as requested by the Council at its Eightieth Session (paragraph 7.19 of EC-80/4*, dated 8 October 2015), efforts to resolve the gaps, inconsistencies, and discrepancies with the declaration have been expedited, as the DAT has conducted four visits to the Syrian Arab Republic since that session.

10. As previously reported, the DAT began its fourteenth visit on 18 January 2016 and had, at the beginning of the visit, discussed the provisional analytical results of the samples taken during its eleventh and twelfth visits with Syrian authorities. In the latter part of the DAT's fourteenth visit, which ended on 26 January 2016, the aforementioned sample results were discussed further, and new samples were taken at two of three sites visited by the DAT. The DAT began its fifteenth visit on 20 February to conduct a meeting with the Syrian authorities held in Beirut, and to bring the newly taken samples back to OPCW designated laboratories. The fifteenth visit is expected to end on 25 February 2016.

11. In accordance with the Council's request at its Eightieth Session in October 2015 that the Director General report to it, before its Eighty-First Session (in March 2016), the details of all unresolved issues, in particular those for which no further progress can be made, the Director General issued a report entitled "Report on the Work of the Declaration Assessment Team Regarding the Declaration and Related Submissions by the Syrian Arab Republic" (EC-81/HP/DG.1, dated 22 February 2016), which will be taken up by the Council at its Eighty-First Session.

Supplementary resources

12. As at the cut-off date of this report, the Trust Fund for Syria Missions, which was established in November 2015 to support the Fact-Finding Mission (FFM) and other remaining activities, such as those of the DAT, had a balance of EUR 3.1 million. Contribution agreements have been concluded with Finland, France, Germany, the Republic of Korea, Switzerland, and the European Union. Pledges from other donors have been made and are currently being processed.

Activities carried out with respect to the OPCW Fact-Finding Mission in Syria

13. The FFM has completed its latest mission. This mission, as reported earlier, was focused on the incidence of discovery of sarin or a sarin-like substance in certain blood samples. The focus of the enquiry is to seek to gain a better understanding of the circumstances under which such exposure might have occurred. The information and data collected are currently being examined.

14. The Head of the OPCW-United Nations Joint Investigative Mechanism, through a letter addressed to the Director General dated 16 February 2016, provided the first report of the Joint Investigative Mechanism and requested that the OPCW Executive Council be informed. The report was submitted to the United Nations Security Council on 12 February 2016 pursuant to resolution 2235 (2015) and has since been made available to the OPCW Executive Council in accordance with paragraph 11 of that resolution.

Conclusion

15. The main focus of the future activities of the OPCW Mission in the Syrian Arab Republic will be on the DAT and FFM activities, as well as the destruction and verification of the remaining aircraft hangar and confirmation of the status of the two stationary above-ground facilities currently outside the control of the Syrian Government.

United Nations S/2016/197

Security Council

Distr.: General
27 February 2016
English
Original: Russian

Letter dated 27 February 2016 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the Secretary-General

Further to your letter dated 23 February 2016, in which you express the intention to reappoint Judge Theodor Meron as the President of the International Residual Mechanism for Criminal Tribunals (the Mechanism), and in which you submit to the Security Council the name of Mr. Serge Brammertz, Prosecutor of the International Tribunal for the Former Yugoslavia, as nominee for Prosecutor of the Mechanism, we should like to inform you of the following points.

While the Russian Federation will not stop the President of the Security Council from sending a response to your letter, it does not support the proposed appointments and is seriously concerned by them. In our view, they may lead to the fundamental shortcomings inherent in the past recent work of the Tribunal, which was headed by Judge Theodor Meron from 2011 to 2015, being retained and reproduced.

Serious problems with the judicial administration of cases have become commonplace for the Tribunal in particular. Trial completion dates for individual proceedings have regularly been delayed on various pretexts, at times beyond reasonable limits. A telling example is the case of Mr. V. Šešelj, who spent over 10 years in prison without being sentenced. It is unclear how such egregious cases are consistent with the presumption of innocence and the basic guarantees of defendants' rights.

Over a number of years, the Security Council called on the Tribunal to redouble its efforts to reduce the time needed for the completion of cases. Nevertheless, the leadership of the Tribunal has consistently avoided complying with the Council's instructions and has not implemented the Tribunal's completion strategy (Security Council resolution 1966 (2010) and other relevant decisions). The deadlines indicated therein have repeatedly been missed, despite being determined on the basis of suggestions and assessments from the Tribunal's leadership. Moreover, backlogs in the consideration of several cases have continued to increase rather than decrease.

We are concerned by information regarding the death of Zdravko Tolimir at a United Nations detention centre in February 2016. It appears that his counsel applied for him to travel to Serbia for treatment in 2015, but permission was refused. This latest death confirms the validity of the serious questions raised not only about ensuring due process for persons who are being tried or have been

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convicted by the Tribunal, but also about the their fundamental rights, such as the right to life, to health care and to medical assistance. Urgent steps must be taken to remedy the situation. We believe that the Office of Internal Oversight Services (OIOS) should conduct an investigation into the work of the Tribunal's medical unit. We look forward to you issuing the appropriate instructions.

The extremely unhealthy situation at the Tribunal has been demonstrated by the information disseminated and assessments provided by its judges.

We should also like to draw your attention to the fact that the proposed dates for appointing Judge Theodor Meron as President of the Mechanism exceed his term as a judge of the Mechanism, which expires on 30 June 2016. Article 10, paragraph 3, of the statute of the Mechanism provides that its judges "shall be eligible for reappointment by the Secretary-General after consultation with the Presidents of the Security Council and of the General Assembly". Since it is impossible to prejudge the outcome of that procedure at this stage, we trust that this fact will be reflected in your decision.

(*Signed*) Petr **Iliichev**
Chargé d'affaires a.i.

United Nations S/2016/198

Security Council

Distr.: General
2 March 2016

Original: English

Letter dated 26 February 2016 from the Permanent Representative of Swaziland to the United Nations addressed to the President of the Security Council

I have the honour to make reference to the letter dated 26 February 2016 (S/2016/193), by which the Secretary-General nominated Serge Brammertz of Belgium for appointment by the Security Council as Prosecutor of the International Residual Mechanism for Criminal Tribunals (the Mechanism).

In this regard, the Secretary-General suggested in the said letter that the Security Council consider appointing the Prosecutor for a term of office beginning on 1 March 2016 and ending on 30 June 2018.

I wish to recall that the position of Prosecutor of the Mechanism was held by Hassan Bubacar Jallow of Gambia since his appointment on 1 March 2012 from the International Criminal Tribunal for Rwanda (ICTR).

Bearing in mind the intention of the Secretary-General, reaffirmed in his letter of 23 February 2016, to reappoint Judge Theodor Meron of the United States as President of the Mechanism, and the position held by John Hocking of Australia as Registrar of the International Tribunal for the Former Yugoslavia (ICTY) since 15 May 2009 and Registrar of the Mechanism since 18 January 2012, the Group of African States would like to denounce this clear attempt to exclude Africa from the leadership of the Mechanism.

It is particularly regrettable that this exclusion constitutes a clear violation of the principle of equitable geographical distribution, as enshrined in article 10 (c) of the statute of the Mechanism, which indicates that the Security Council shall take due account of the "adequate representation of the principle legal systems of the world".

Mindful of being reappointed on the basis of the foregoing, Prosecutor Jallow has already set up his teams to handle the appeals cases expected to come to the Mechanism from ICTY. In that respect, all the staff have been recruited, mainly from ICTY and ICTR, to handle the appeals as they have been doing with pre-appeal litigation.

For those who evoke the principle of continuity, I would like to recall that Mr. Brammertz did not start the cases at trial. There were other Prosecutors before him, and he took over from them midway into many of the cases.

ICTR still has three fugitives who will be put on trial at the Mechanism when arrested. In anticipation of the trial of the three fugitives, preparations have been put in place at the relevant branch of the Mechanism.

The nomination of Mr. Brammertz as Prosecutor of the Mechanism cannot be justified on the basis of saving costs through double-hatting, because the President of the Mechanism is in the same situation as Prosecutor Jallow. It is of utmost importance that the same principle apply to both of them to avoid a double standard.

Africa has always been in the forefront of the fight against impunity, particularly in the establishment of this Mechanism that encompasses the International Tribunals for Rwanda and the Former Yugoslavia.

Thus, in recognition of the proven qualifications of Mr. Jallow, his high moral character, impartiality and integrity, the Group of African States invites the members of the Security Council to consider giving due respect to the principle of equitable geographical distribution by reappointing Hassan Bubacar Jallow of Gambia as Prosecutor of the Mechanism.

I would be grateful if you could circulate the present letter as a document of the Security Council.

(*Signed*) Zwelethu **Mnisi**
Ambassador
Permanent Representative of the
Kingdom of the Swaziland to the United Nations
Chairperson of the African Group for the month of February 2016

United Nations S/2016/199

Security Council

Distr.: General
1 March 2016
English
Original: French

Letter dated 29 February 2016 from the Permanent Representative of France to the United Nations addressed to the President of the Security Council

I have the honour to transmit to you herewith a letter from Najib Ghadbian, Special Representative of the National Coalition of Syrian Revolution and Opposition Forces, dated 28 February 2016.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) François **Delattre**

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Annex to the letter dated 29 February 2016 from the Permanent Representative of France to the United Nations addressed to the President of the Security Council

[Original: English]

On behalf of the High Negotiations Committee for the National Coalition of Syrian Revolutionary and Opposition Forces and as requested by the General Coordinator of the Committee, Riad Hijab, it is my honour to transmit to you a copy of a letter sent to the Secretary-General by the General Coordinator on 28 February 2016 (see enclosure). The letter discusses the gravity of continued violations of the cessation of hostilities agreement.

(*Signed*) Najib **Ghadbian**
Special Representative to the United Nations

Enclosure

[Original: Arabic]

National Coalition of Syrian Revolution and Opposition Forces

Ref.: 5/2016

28 February 2016

Sir,

I regret to inform you that although a truce came into effect on the morning of Saturday, 27 February 2016, the Russians, the Iranians, the Syrian regime, the foreign militias and their mercenary allies have continued to commit acts of aggression against the Syrian people.

In the first few minutes after the truce came into effect, the regime and its allies across Syria perpetrated numerous violations. Regime helicopters carried out seven raids, dropping barrel bombs on densely-populated areas and claiming numerous victims, many of them women and children. There were 24 instances of violations involving cannon fire, in addition to five land offensives. Truce violations took place in 26 different areas loyal to the moderate opposition.

On Sunday, 28 February 2016, Russian fighter jets carried out 26 air raids on areas loyal to factions that are committed to the truce. They used cluster bombs and thermobaric missiles, causing yet more civilian deaths and injuries.

The repeated violations committed by the regime have caused 29 fatalities and dozens of injuries, and densely-populated areas continue to be targeted. We therefore wish to make the following points.

1. Regrettably, the Russian Ministry of Defence has published a purported military map containing false information regarding zones of political influence and the distribution of forces on Syrian territory (http://youtu.be/MaYydEjdSzsSent). It has attributed that information to the United Nations in order to further its own political and military schemes, namely to exclude certain areas from the truce and continue its systematic bombardments and forced displacement. Those operations are an egregious assault on the people, unity and territorial integrity of Syria. We urge you to take the necessary action to respond to Russia's claims and bring an end to its violations.

2. We urge the United Nations and the Friends of Syria Group to take on the task of designating the areas included in the truce so that no acts of aggression can take place there. It is the only party that can fulfil that role with transparency and impartiality. The absence of clear lines of separation has enabled the regime and its allies to target densely-populated areas in a flagrant violation of the Security Council resolutions that threatens to undermine the truce.

3. The Syrian opposition forces have exercised the utmost restraint, and have thus far fully complied with their obligations under the truce. However, if the regime and its allies continue to commit crimes against the Syrian people, they will undermine the efforts of the international community to sustain the truce.

4. We agreed to the temporary truce primarily in order to respond to the international community's earnest efforts to alleviate the suffering of the Syrian

people and help implement the humanitarian components of Security Council resolution 2254 (2015), particularly paragraphs 12, 13 and 14. However, if no tangible progress is made in that regard, we will be impelled to search for other means to protect the Syrian people and bring an end to the violations. The Security Council must therefore take a firm stance on the issue before it is too late.

5. By persisting in committing such violations, the regime and allied forces would cause the collapse of the political process endorsed by the Security Council in a series of resolutions, the most recent of which is resolution 2268 (2016). The political process cannot move forward if the suffering of the Syrian people is used as a weapon for political and military gain. It would be impossible to resume negotiations under such duress.

This dangerous situation poses a clear and present threat to regional and international peace and security. The United Nations must therefore intervene immediately to end the ongoing war crimes against the Syrian people and preserve its unity and territorial integrity.

Accept, Sir, the assurances of my highest consideration.

(*Signed*) Riyad **Hijab**
General Coordinator, High Negotiations Committee

United Nations S/2016/200

Security Council

Distr.: General
2 March 2016

Original: English

United States of America: draft resolution

The Security Council,

Recalling its previous resolutions and statements on South Sudan, in particular resolutions 2057 (2012), 2109 (2013), 2132 (2013), 2155 (2014), 2187 (2014), 2206 (2015), 2241 (2015), and 2252 (2015),

Determining that the situation in South Sudan continues to constitute a threat to international peace and security in the region,

Acting under Article 41 of Chapter VII of the Charter of the United Nations,

1. *Decides* to renew until 15 April 2016 the measures imposed by paragraphs 9 and 12 of resolution 2206 (2015), and *reaffirms* the provisions of paragraphs 10, 11, 13, 14 and 15 of resolution 2206 (2015);

2. *Decides* to extend until 15 May 2016 the mandate of the Panel of Experts as set out in paragraph 18 of resolution 2206 (2015), expresses its intention to review the mandate and take appropriate action regarding the further extension no later than 15 April 2016;

3. *Decides* to remain seized of the matter.

16-03378 (E) 020316

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United Nations A/70/767–S/2016/201

General Assembly
Security Council

Distr.: General
1 March 2016

Original: English

General Assembly
Seventieth session
Agenda items 44 and 79 (a)

Question of Cyprus

Oceans and the law of the sea

Security Council
Seventy-first year

Letter dated 29 February 2016 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to draw your attention, in your capacity as depositary of the United Nations Convention on the Law of the Sea, to yet another provocative and illegal act by the Republic of Turkey in the exclusive economic zone (EEZ) of the Republic of Cyprus, in violation of the sovereign rights and jurisdiction of the Republic of Cyprus in its EEZ and over its continental shelf, as reflected in the Convention and relevant customary international law.

On 17 December 2015, a navy vessel of the Republic of Turkey approached and harassed the vessel MV *Flying Enterprise*, flying the flag of the Republic of Cyprus. It is noted that MV *Flying Enterprise* was duly licensed through the competent authority of the Republic to conduct a geophysical survey on behalf of a legal entity of a third country, in the south of Cyprus within its EEZ/continental shelf (see annex) and a relevant navigational warning (NAVTEX No. 09/16) was issued for this purpose.

According to the investigation carried out by the Cyprus Police, the incident occurred as follows:

- On 17 December 2015, at 1130 UTC, the MV *Flying Enterprise*, during its survey operations, at position 34°10'3"N/32°28'4"E (point 1 on map in annex), received a call by a Turkish warship, the TCG *Gediz* (ID F-495), on channel 16/69 requesting information concerning its identity and activities.
- At 1507 UTC, at position 34°09'5"N/32°16'7"E (point 2 on map in annex), the said warship called on the MV *Flying Enterprise*, via VHF 69, and instructed its captain to stop all survey operations and change course and speed by reason of entering a "Turkish maritime restricted area".
- At 1600 UTC, the same warship, via VHF 69, again instructed the MV *Flying Enterprise*, which continued its survey operations, to stop all operations,

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collect all equipment and change course and speed by reason of entering a "Turkish maritime restricted area".

- The MV *Flying Enterprise* continued its operations while the Turkish warship, heading with parallel course and same speed, remained at a distance of 2.5 nautical miles from it.

At all times during the incident described above, the MV *Flying Enterprise* was within the EEZ/continental shelf of the Republic of Cyprus, in a marine area which has already been delimited between the relevant opposite coastal States, namely the Republic of Cyprus and the Arab Republic of Egypt, by means of an EEZ Delimitation Agreement (2003). It is also pointed out that the MV *Flying Enterprise* was carrying out a survey for the purpose of cable laying in the Cypriot EEZ/continental shelf, having obtained authorization from the competent Cypriot authorities, in accordance with the Cypriot Geological Surveys Law (Law 140(I)/2013) and the Submarine Cables Regulations (No. 578/2014), which implement article 79 of the United Nations Convention on the Law of the Sea, which is applicable mutatis mutandis in the EEZ of a coastal State by virtue of article 56 (3) of the Convention and which also reflects customary international law.

The Republic of Cyprus wishes to stress that the Republic of Turkey, being the State responsible for the official acts of its navy, abused the freedom of navigation that its war vessels enjoy in order to harass the MV *Flying Enterprise*.

The vessel of the Turkish navy had no jurisdiction and/or right to either intervene or instruct the MV *Flying Enterprise* in any way. By doing so, it violated, among others, the rights of the Republic of Cyprus under articles 56 and 77 of the Convention, on the "Rights, jurisdiction and duties of the coastal State in the exclusive economic zone" and the "Rights of the coastal State over the continental shelf", which also reflect customary international law.

Moreover, the Republic of Turkey, through the actions of its warship against the MV *Flying Enterprise*, has infringed the right of a legal entity of a third country to carry out a survey for the purposes of laying a submarine cable within the EEZ and continental shelf of the Republic of Cyprus, pursuant to article 79 (1) of the Convention, as well as the Republic of Cyprus' right, in authorizing such surveys, to take reasonable measures for the exploration and exploitation of its EEZ/continental shelf (article 79 (2) of the Convention).

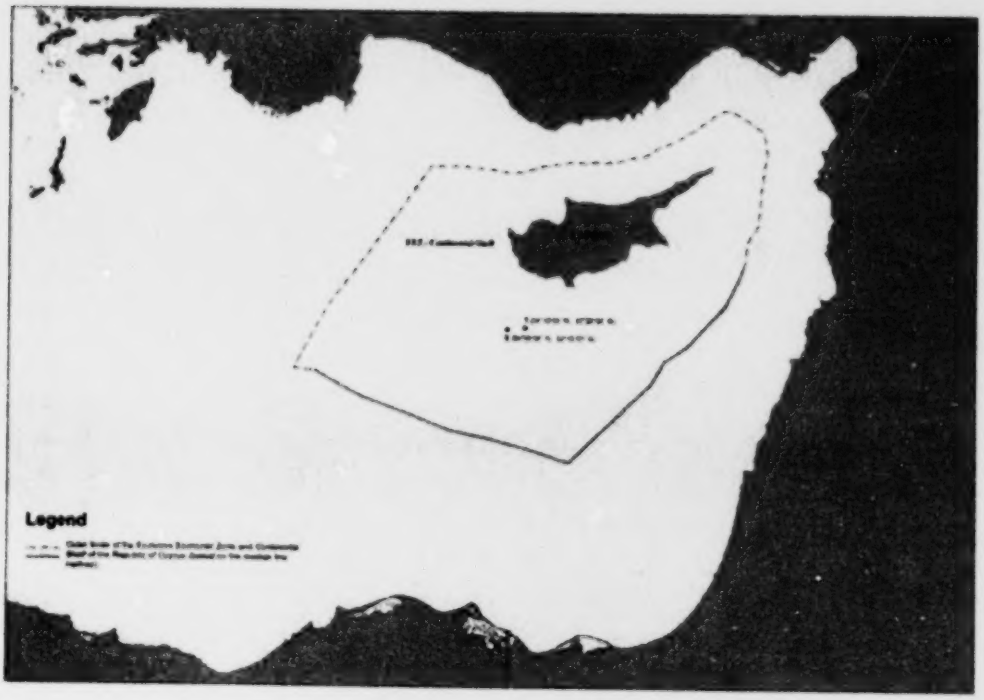
It is clear that Turkey's acts constitute a violation of international law and an infringement of the sovereign rights and jurisdiction of the Republic of Cyprus in its EEZ and over its continental shelf, as provided for by the Convention, relevant customary international law and Cypriot domestic law.

The Government of the Republic of Cyprus calls once again on the Government of the Republic of Turkey to respect the principles of international law on the peaceful use of the seas.

I should appreciate if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda items 44 and 79 (a), and of the Security Council, and have it published in the next Law of the Sea Bulletin.

(*Signed*) Nicholas **Emiliou**

Annex to the letter dated 29 February 2016 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General



United Nations S/2016/202

Security Council

Distr.: General
2 March 2016

Original: English

Albania, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Ghana, Greece, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Japan, Kazakhstan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malaysia, Malta, Netherlands, New Zealand, Norway, Palau, Panama, Philippines, Poland, Portugal, Republic of Korea, Romania, Senegal, Slovakia, Slovenia, Spain, Sweden, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and Vanuatu: draft resolution

The Security Council,

Recalling its previous relevant resolutions, including resolution 825 (1993), resolution 1540 (2004), resolution 1695 (2006), resolution 1718 (2006), resolution 1874 (2009), resolution 1887 (2009), resolution 2087 (2013) and resolution 2094 (2013), as well as the statements of its President of 6 October 2006 (S/PRST/2006/41), 13 April 2009 (S/PRST/2009/7) and 16 April 2012 (S/PRST/2012/13),

Reaffirming that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security,

Expressing gravest concern at the nuclear test conducted by the Democratic People's Republic of Korea ("the DPRK") on 6 January 2016 in violation of resolutions 1718 (2006), 1874 (2009), 2087 (2013) and 2094 (2013), and at the challenge such a test constitutes to the Treaty on Non-Proliferation of Nuclear Weapons ("the NPT") and to international efforts aimed at strengthening the global regime of non-proliferation of nuclear weapons, and the danger it poses to peace and stability in the region and beyond,

Underlining once again the importance that the DPRK respond to other security and humanitarian concerns of the international community,

Underlining also that measures imposed by this resolution are not intended to have adverse humanitarian consequences for the civilian population DPRK,

Regretting the DPRK's diversion of financial, technical and industrial resources toward developing its nuclear weapons and ballistic missile program, and *condemning* its declared intent to develop nuclear weapons,

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Expressing deep concern at the grave hardship that the DPRK people are subjected to,

Expressing great concern that the DPRK's arms sales have generated revenues that are diverted to the pursuit of nuclear weapons and ballistic missiles while DPRK citizens have great unmet needs,

Expressing serious concern that the DPRK has continued to violate relevant Security Council resolutions through repeated launches of ballistic missiles in 2014 and 2015, as well as the submarine-launched ballistic missile ejection test in 2015 and *noting* that all such ballistic missile activities contribute to the DPRK's development of nuclear weapons delivery systems and increase tension in the region and beyond,

Expressing continued concern that the DPRK is abusing the privileges and immunities accorded under the Vienna Conventions on Diplomatic and Consular Relations,

Expressing its gravest concern that the DPRK's ongoing nuclear-, and ballistic missile-related activities have further generated increased tension in the region and beyond, and *determining* that there continues to exist a clear threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations, and taking measures under its Article 41,

1. *Condemns* in the strongest terms the nuclear test conducted by the DPRK on 6 January 2016 in violation and flagrant disregard of the Council's relevant resolutions, and further *condemns* the DPRK's launch of 7 February 2016, which used ballistic missile technology and was in serious violation of resolutions 1718 (2006), 1874 (2009), 2087 (2013), and 2094 (2013);

2. *Reaffirms* its decisions that the DPRK shall not conduct any further launches that use ballistic missile technology, nuclear tests, or any other provocation, and shall suspend all activities related to its ballistic missile program and in this context re-establish its pre-existing commitments to a moratorium on missile launches, and *demands* that the DPRK immediately comply fully with these obligations;

3. *Reaffirms* its decisions that the DPRK shall abandon all nuclear weapons and existing nuclear programs in a complete, verifiable and irreversible manner, and immediately cease all related activities;

4. *Reaffirms* its decision that the DPRK shall abandon all other existing weapons of mass destruction and ballistic missile programs in a complete, verifiable and irreversible manner;

5. *Reaffirms* that, pursuant to paragraph 8 (c) of resolution 1718 (2006), all Member States shall prevent any transfers to the DPRK by their nationals or from their territories, or from the DPRK by its nationals or from its territory, of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of nuclear-related, ballistic missile-related or other weapons of mass destruction-related items, materials, equipment, goods and technology, and *underscores* that this provision prohibits the DPRK from engaging in any form of

technical cooperation with other Member States on launches using ballistic missile technology, even if characterized as a satellite launch or space launch vehicle;

6. *Decides* that the measures in paragraph 8 (a) of resolution 1718 (2006) shall also apply to all arms and related materiel, including small arms and light weapons and their related materiel, as well as to financial transactions, technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of such arms and related materiel;

7. *Affirms* that the obligations imposed in paragraphs 8 (a), 8 (b) and 8 (c) of resolution 1718 (2006), as extended by paragraphs 9 and 10 of resolution 1874 (2009), apply with respect to the shipment of items to or from the DPRK for repair, servicing, refurbishing, testing, reverse-engineering, and marketing, regardless of whether ownership or control is transferred, and *underscores* that the measures specified in paragraph 8 (e) of resolution 1718 (2006) shall also apply to any individual traveling for the purposes of carrying out the activities described in this paragraph;

8. *Decides* that the measures imposed in paragraphs 8 (a) and 8 (b) of resolution 1718 (2006) shall also apply to any item, except food or medicine, if the State determines that such item could directly contribute to the development of the DPRK's operational capabilities of its armed forces, or to exports that support or enhance the operational capabilities of armed forces of another Member State outside the DPRK, and *decides* also that this provision shall cease to apply to the supply, sale or transfer of an item, or its procurement, if:

(a) the State determines that such activity is exclusively for humanitarian purposes or exclusively for livelihood purposes which will not be used by DPRK individuals or entities to generate revenue, and also not related to any activity prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution, provided that the State notifies the Committee in advance of such determination and also informs the Committee of measures taken to prevent the diversion of the item for such other purposes, or

(b) the Committee has determined on a case-by-case basis that a particular supply, sale or transfer would not be contrary to the objectives of resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution;

9. *Recalls* that paragraph 9 of resolution 1874 (2009) requires States to prohibit the procurement from the DPRK of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of arms and related materiel, and *clarifies* that this paragraph prohibits States from engaging in the hosting of trainers, advisors, or other officials for the purpose of military-, paramilitary- or police-related training;

10. *Decides* that the measures specified in paragraph 8 (d) of resolution 1718 (2006) shall apply also to the individuals and entities listed in Annex I and II of this resolution and to any individuals or entities acting on their behalf or at their direction, and to entities owned or controlled by them, including through illicit means;

11. *Decides* that the measures specified in paragraph 8 (e) of resolution 1718 (2006) shall apply also to the individuals listed in Annex I of this resolution and to individuals acting on their behalf or at their direction;

12. *Affirms* that "economic resources," as referred to in paragraph 8 (d) of resolution 1718 (2006), includes assets of every kind, whether tangible or intangible, movable or immovable, actual or potential, which potentially may be used to obtain funds, goods, or services, such as vessels (including maritime vessels);

13. *Decides* that if a Member State determines that a DPRK diplomat, governmental representative, or other DPRK national acting in a governmental capacity, is working on behalf or at the direction of a designated individual or entity, or of an individual or entities assisting in the evasion of sanctions or violating the provisions of resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution, then the Member State shall expel the individual from its territory for the purpose of repatriation to the DPRK consistent with applicable national and international law, provided that nothing in this paragraph shall impede the transit of representatives of the Government of the DPRK to the United Nations Headquarters or other UN facilities to conduct United Nations business, and *decides* that the provisions of this paragraph shall not apply with respect to a particular individual if: a) the presence of the individual is required for fulfilment of a judicial process, b) the presence of the individual is required exclusively for medical, safety or other humanitarian purposes, or c) the Committee has determined on a case-by-case basis that the expulsion of the individual would be contrary to the objectives of resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and this resolution;

14. *Decides* that, if a Member State determines that an individual who is not a national of that State is working on behalf of or at the direction of a designated individual or entity or assisting the evasion of sanctions or violating the provisions of resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution, then Member States shall expel the individual from their territories for the purpose of repatriation to the individual's state of nationality, consistent with applicable national and international law, unless the presence of the individual is required for fulfilment of a judicial process or exclusively for medical, safety or other humanitarian purposes, or the Committee has determined on a case-by-case basis that the expulsion of the individual would be contrary to the objectives of resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution, provided that nothing in this paragraph shall impede the transit of representatives of the Government of the DPRK to the United Nations Headquarters or other UN facilities to conduct United Nations business;

15. *Underscores* that, as a consequence of implementing the obligations imposed in paragraph 8 (d) of resolution 1718 (2006) and paragraphs 8 and 11 of resolution 2094 (2013), all Member States shall close the representative offices of designated entities and prohibit such entities, as well as individuals or entities acting for or on their behalf, directly or indirectly, from participating in joint ventures or any other business arrangements, and *underscores* that if a representative of such an office is a DPRK national, then States are required to expel the individual from their territories for the purpose of repatriation to the DPRK consistent with applicable national and international law, pursuant to and consistent with paragraph 10 of resolution 2094 (2013);

16. *Notes* that the DPRK frequently uses front companies, shell companies, joint ventures and complex, opaque ownership structures for the purpose of violating measures imposed in relevant Security Council resolutions, and, in this

regard, *directs* the Committee, with the support of the Panel, to identify individuals and entities engaging in such practices and, if appropriate, designate them to be subject to the measures imposed in resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and this resolution;

17. *Decides* that all Member States shall prevent specialized teaching or training of DPRK nationals within their territories or by their nationals of disciplines which could contribute to the DPRK's proliferation sensitive nuclear activities or the development of nuclear weapon delivery systems, including teaching or training in advanced physics, advanced computer simulation and related computer sciences, geospatial navigation, nuclear engineering, aerospace engineering, aeronautical engineering and related disciplines;

18. *Decides* that all States shall inspect the cargo within or transiting through their territory, including in their airports, seaports and free trade zones, that has originated in the DPRK, or that is destined for the DPRK, or has been brokered or facilitated by the DPRK or its nationals, or by individuals or entities acting on their behalf or at their direction, or entities owned or controlled by them, or by designated individuals or entities, or that is being transported on DPRK flagged aircraft or maritime vessels, for the purposes of ensuring that no items are transferred in violation of resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and this resolution, and calls upon States to implement such inspections in a manner that minimizes the impact on the transfer of cargo that the State determines is for humanitarian purposes;

19. *Decides* that Member States shall prohibit their nationals and those in their territories from leasing or chartering their flagged vessels or aircraft or providing crew services to the DPRK, and *decides* that this prohibition shall also apply with respect to any designated individuals or entities, any other DPRK entities, any other individuals or entities whom the State determines to have assisted in the evasion of sanctions or in violating the provisions of resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution, any individuals or entities acting on behalf or at the direction of any of the aforementioned, and any entities owned or controlled by any of the aforementioned, *calls upon* Member States to de-register any vessel that is owned, operated or crewed by the DPRK, further *calls upon* Member States not to register any such vessel that is de-registered by another Member State pursuant to this paragraph, and *decides* that this provision shall not apply with respect to such leasing, chartering or provision of crew services notified to the Committee in advance on a case-by-case basis accompanied by: a) information demonstrating that such activities are exclusively for livelihood purposes which will not be used by DPRK individuals or entities to generate revenue, and b) information on measures taken to prevent such activities from contributing to violations of the aforementioned resolutions;

20. *Decides* that all States shall prohibit their nationals, persons subject to their jurisdiction and entities incorporated in their territory or subject to their jurisdiction from registering vessels in the DPRK, obtaining authorization for a vessel to use the DPRK flag, and from owning, leasing, operating, providing any vessel classification, certification or associated service, or insuring any vessel flagged by the DPRK, and *decides* that this measure shall not apply to activities notified in advance by the Committee on a case-by-case basis, following provision to the Committee of detailed information on the activities, including the names of

individuals and entities involved in them, information demonstrating that such activities are exclusively for livelihood purposes which will not be used by DPRK individuals or entities to generate revenue and on measures taken to prevent such activities from contributing to violations of resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution;

21. *Decides* that all States shall deny permission to any aircraft to take off from, land in or overfly, unless under the condition of landing for inspection, their territory, if they have information that provides reasonable grounds to believe that the aircraft contains items the supply, sale, transfer or export of which is prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution, except in the case of an emergency landing, and *calls upon* all States, when considering whether to grant overflight permission to flights to assess known risk factors;

22. *Decides* that all Member States shall prohibit the entry into their ports of any vessel if the Member State has information that provides reasonable grounds to believe the vessel is owned or controlled, directly or indirectly, by a designated individual or entity, or contains cargo the supply, sale, transfer or export of which is prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution, unless entry is required in the case of emergency or in the case of return to its port of origination, or for inspection, or unless the Committee determines in advance that such entry is required for humanitarian purposes or any other purposes consistent with the objectives of this resolution;

23. *Recalls* that the Committee has designated the DPRK firm Ocean Maritime Management (OMM), *notes* that the vessels specified in Annex III of this resolution are economic resources controlled or operated by OMM and therefore subject to the asset freeze imposed in paragraph 8 (d) of resolution 1718 (2006), and *underscores* that Member States are required to implement the relevant provisions of that resolution;

24. *Decides* that the DPRK shall abandon all chemical and biological weapons and weapons-related programs, and shall act strictly in accordance with its obligations as a State Party to the Convention on the Prohibition of the Development, Production, or Stockpiling of Bacteriological (Biological) and Toxin Weapons and Their Destruction, and *calls upon* the DPRK to accede to the Convention of the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and Their Destruction, and then to immediately comply with its provisions;

25. *Decides* to adjust the measures imposed by paragraph 8 of resolution 1718 (2006) and this resolution through the designation of additional goods, *directs* the Committee to undertake its tasks to this effect and to report to the Security Council within fifteen days of adoption of this resolution, and further *decides* that, if the Committee has not acted, then the Security Council will complete action to adjust the measures within seven days of receiving that report;

26. *Directs* the Committee to review and update the items contained in S/2006/853/CORR.1 no later than sixty days from the adoption of this resolution and on an annual basis thereafter;

27. *Decides* that the measures imposed in paragraphs 8 (a) and 8 (b) of resolution 1718 (2006) shall also apply to any item if the State determines that such

item could contribute to the DPRK's nuclear or ballistic missile programs or other weapons of mass destruction programs, activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), and this resolution, or to the evasion of measures imposed by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), and this resolution;

28. *Reaffirms* paragraphs 14 through 16 of resolution 1874 (2009), and paragraph 8 of resolution 2087 (2013), and *decides* that these paragraphs shall apply also with respect to any items the supply, sale or transfer of which is prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution identified in inspections conducted pursuant to paragraph 18 of this resolution;

29. *Decides* that the DPRK shall not supply, sell or transfer, directly or indirectly, from its territory or by its nationals or using its flag vessels or aircraft, coal, iron, and iron ore, and that all States shall prohibit the procurement of such material from the DPRK by their nationals, or using their flag vessels or aircraft, and whether or not originating in the territory of the DPRK, and *decides* that this provision shall not apply with respect to:

(a) Coal that the procuring State confirms on the basis of credible information has originated outside the DPRK and was transported through the DPRK solely for export from the Port of Rajin (Rason), provided that the State notifies the Committee in advance and such transactions are unrelated to generating revenue for the DPRK's nuclear or ballistic missile programs or other activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution; and,

(b) Transactions that are determined to be exclusively for livelihood purposes and unrelated to generating revenue for the DPRK's nuclear or ballistic missile programs or other activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution;

30. *Decides* that the DPRK shall not supply, sell or transfer, directly or indirectly, from its territory or by its nationals or using its flag vessels or aircraft, gold, titanium ore, vanadium ore, and rare earth minerals, and that all States shall prohibit the procurement of such material from the DPRK by their nationals, or using their flag vessels or aircraft, and whether or not originating in the territory of the DPRK;

31. *Decides* that all States shall prevent the sale or supply, by their nationals or from their territories or using their flag vessels or aircraft, of aviation fuel, including aviation gasoline, naptha-type jet fuel, kerosene-type jet fuel, and kerosene-type rocket fuel, whether or not originating in their territory, to the territory of the DPRK, or unless the Committee has approved in advance on an exceptional case-by-case basis the transfer to the DPRK of such products for verified essential humanitarian needs, subject to specified arrangements for effective monitoring of delivery and use, and *decides* also that this provision shall not apply with respect to the sale or supply of aviation fuel to civilian passenger aircraft outside the DPRK exclusively for consumption during its flight to the DPRK and its return flight;

32. *Decides* that the asset freeze imposed by paragraph 8 (d) of resolution 1718 (2006) shall apply to all the funds, other financial assets and economic resources outside of the DPRK that are owned or controlled, directly or indirectly,

by entities of the Government of the DPRK or the Worker's Party of Korea, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, that the State determines are associated with the DPRK's nuclear or ballistic missile programs or other activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution, *decides* further that all States except the DPRK shall ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any individuals or entities within their territories, to or for the benefit of such individuals or entities, or individuals or entities acting on their behalf or at their direction, or entities owned or controlled by them, and *decides* that these measures shall not apply with respect to funds, other financial assets and economic resources that are required to carry out activities of the DPRK's missions to the United Nations and its specialized agencies and related organizations or other diplomatic and consular missions of the DPRK, and to any funds, other financial assets and economic resources that the Committee determines in advance on a case-by-case basis are required for the delivery of humanitarian assistance, denuclearization or any other purpose consistent with the objectives of this resolution;

33. *Decides* that States shall prohibit in their territories the opening and operation of new branches, subsidiaries, and representative offices of DPRK banks, *decides* further that States shall prohibit financial institutions within their territories or subject to their jurisdiction from establishing new joint ventures and from taking an ownership interest in or establishing or maintaining correspondent relationships with DPRK banks, unless such transactions have been approved by the Committee in advance, and *decides* that States shall take the necessary measures to close such existing branches, subsidiaries and representative offices, and also to terminate such joint ventures, ownership interests and correspondent banking relationships with DPRK banks within ninety days from the adoption of this resolution;

34. *Decides* that States shall prohibit financial institutions within their territories or subject to their jurisdiction from opening new representative offices or subsidiaries, branches or banking accounts in the DPRK;

35. *Decides* that States shall take the necessary measures to close existing representative offices, subsidiaries or banking accounts in the DPRK within ninety days, if the State concerned has credible information that provides reasonable grounds to believe that such financial services could contribute to the DPRK's nuclear or ballistic missile programs, or other activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution, and *decides* further that this provision shall not apply if the Committee determines on a case-by-case basis that such offices, subsidiaries or accounts are required for the delivery of humanitarian assistance or the activities of diplomatic missions in the DPRK pursuant to the Vienna Convention on Diplomatic Relations or the activities of the United Nations or its specialized agencies or related organizations, or for any other purposes consistent with resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution;

36. *Decides* that all States shall prohibit public and private financial support from within their territories or by persons or entities subject to their jurisdiction for trade with the DPRK (including the granting of export credits, guarantees or insurance to their nationals or entities involved in such trade) where such financial

support could contribute to the DPRK's nuclear or ballistic missile programs or other activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution, including paragraph 8;

37. *Expresses* concern that transfers to the DPRK of gold may be used to evade the measures imposed in resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and this resolution, and *clarifies* that all States shall apply the measures set forth in paragraph 11 of resolution 2094 (2013) to the transfers of gold, including through gold couriers, transiting to and from the DPRK so as to ensure such transfers of gold do not contribute to the DPRK's nuclear or ballistic missile programs, or other activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution, or to the evasion of measures imposed by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution;

38. *Recalls* that the Financial Action Task Force (FATF) has called upon countries to apply enhanced due diligence and effective countermeasure to protect their jurisdictions from the DPRK's illicit financial activity, and *calls upon* Member States to apply the FATF Recommendation 7, its Interpretive Note, and related guidance to effectively implement targeted financial sanctions related to proliferation;

39. *Reaffirms* the measures imposed in paragraph 8 (a) (iii) of resolution 1718 (2006) regarding luxury goods, and *clarifies* that the term "luxury goods" includes, but is not limited to, the items specified in Annex V of this resolution;

40. *Calls upon* all States to report to the Security Council within ninety days of the adoption of this resolution, and thereafter upon request by the Committee, on concrete measures they have taken in order to implement effectively the provisions of this resolution, *requests* the Panel of Experts established pursuant to resolution 1874 (2009), in cooperation with other UN sanctions monitoring groups, to continue its efforts to assist States in preparing and submitting such reports in a timely manner, and *directs* the Committee to prioritize outreach to those Member States who have never submitted implementation reports as requested by the Security Council;

41. *Calls upon* all States to supply information at their disposal regarding non-compliance with the measures imposed in resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution;

42. *Encourages* all States to examine the circumstances of previously reported sanctions violations, particularly the items seized or activities prevented pursuant to the relevant resolutions, so as to assist in ensuring full and appropriate implementation of these resolutions, especially paragraph 27 of this resolution, and *notes* in this regard the reporting of the Panel of Experts and the information regarding sanctions violations that the Committee has released publicly;

43. *Directs* the Committee to respond effectively to violations of the measures decided in resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), and this resolution, and, in this regard, *directs* the Committee to designate additional individuals and entities to be subject to the measures imposed in resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), and this resolution;

44. *Directs* the Committee to continue its efforts to assist Member States in implementing the measures imposed on the DPRK, and, in this regard, *requests* the Committee to draft and circulate a comprehensive compilation of all the measures imposed in resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), and this resolution so as to facilitate Member State implementation;

45. *Directs* the Committee to update the information contained on the Committee's list of individuals and entities, including new aliases and front companies, and *directs* the Committee to complete this task within 45 days of the adoption of this resolution and every twelve months thereafter;

46. *Decides* that the mandate of the Committee, as set out in paragraph 12 of resolution 1718 (2006), shall apply with respect to the measures imposed in resolution 1874 (2009), 2094 (2013) and this resolution;

47. *Emphasizes* the importance of all States, including the DPRK, taking the necessary measures to ensure that no claim shall lie at the instance of the DPRK, or of any person or entity in the DPRK, or of persons or entities designated for measures set forth in resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution, or any person claiming through or for the benefit of any such person or entity, in connection with any contract or other transaction where its performance was prevented by reason of the measures imposed by this resolution or previous resolutions;

48. *Underlines* that measures imposed by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and this resolution are not intended to have adverse humanitarian consequences for the civilian population of the DPRK or to affect negatively those activities, including economic activities and cooperation, that are not prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution, and the work of international organizations and non-governmental organization carrying out assistance and relief activities in the DPRK for the benefit of the civilian population of the DPRK;

49. *Reiterates* the importance of maintaining peace and stability on the Korean Peninsula and in north-east Asia at large, and *expresses* its commitment to a peaceful, diplomatic and political solution to the situation and welcomes efforts by Council members as well as other States to facilitate a peaceful and comprehensive solution through dialogue and to refrain from any actions that might aggravate tensions;

50. *Reaffirms* its support to the Six Party Talks, *calls* for their resumption, and *reiterates* its support for the commitments set forth in the Joint Statement of 19 September 2005 issued by China, the DPRK, Japan, the Republic of Korea, the Russian Federation, and the United States, including that the goal of the Six-Party Talks is the verifiable denuclearization of the Korean Peninsula in a peaceful manner, that the United States and the DPRK undertook to respect each other's sovereignty and exist peacefully together, and that the Six Parties undertook to promote economic cooperation, and all other relevant commitments;

51. *Affirms* that it shall keep the DPRK's actions under continuous review and is prepared to strengthen, modify, suspend or lift the measures as may be needed in light of the DPRK's compliance, and, in this regard, *expresses its determination* to take further significant measures in the event of a further DPRK nuclear test or launch;

52. *Decides* to remain seized of the matter.

Annex I

Travel Ban/Asset Freeze (Individuals)

1. CHOE CHUN-SIK
   a. *Description*: Choe Chun-sik was the director of the Second Academy of Natural Sciences (SANS) and was the head of the DPRK's long-range missile program.
   b. *AKA*: Choe Chun Sik; Ch'oe Ch'un Sik
   c. *Identifiers*: DOB: 12 October 1954; Nationality: DPRK

2. CHOE SONG IL
   a. *Description*: Tanchon Commercial Bank Representative in Vietnam
   b. *AKA*: NA
   c. *Identifiers*: Passport: 472320665; Passport Date of Expiration: 26 Sep 2017; Passport: 563120356; Nationality: DPRK

3. HYON KWANG IL
   a. *Description*: Hyon Kwang Il is the Department Director for Scientific Development at the National Aerospace Development Administration.
   b. *AKA*: Hyon Gwang Il
   c. *Identifiers*: DOB: 27 May 1961; Nationality: DPRK

4. JANG BOM SU
   a. *Description*: Tanchon Commercial Bank Representative in Syria
   b. *AKA*: Jang Pom Su
   c. *Identifiers*: DOB: 15 April 1957; Nationality: DPRK

5. JANG YONG SON
   a. *Description*: Korea Mining Development Trading Corporation (KOMID) Representative in Iran
   b. *AKA*: NA
   c. *Identifiers*: DOB: 20 February 1957; Nationality: DPRK

6. JON MYONG GUK
   a. *Description*: Tanchon Commercial Bank Representative in Syria
   b. *AKA*: Cho'n Myo'ng-kuk
   c. *Identifiers*: Passport:4721202031; Passport Date of Expiration: 21 Feb 2017; Nationality: DPRK; DOB: 18 Oct 1976

7. KANG MUN KIL

   a. *Description*: Kang Mun Kil has conducted nuclear procurement activities as a representative of Namchongang, also known as Namhung.

   b. *AKA*: Jiang Wen-ji

   c. *Identifiers*: Passport: PS 472330208; Passport Date of Expiration: 4 July 2017; Nationality: DPRK

8. KANG RYONG

   a. *Description*: Korea Mining Development Trading Corporation (KOMID) Representative in Syria

   b. *AKA*: NA

   c. *Identifiers*: DOB: 21 August 1969; Nationality: DPRK

9. KIM JUNG JONG

   a. *Description*: Tanchon Commercial Bank Representative in Vietnam

   b. *AKA*: Kim Chung Chong

   c. *Identifiers*: Passport: 199421147 Passport Date of Expiration: 29 Dec 2014; Passport: 381110042, Passport Date of Expiration: 25 Jan 2016; Passport: 563210184, Passport Date of Expiration: 18 Jun 2018; DOB: 07 Nov 1966, Nationality: DPRK

10. KIM KYU

   a. *Description*: Korea Mining Development Trading Corporation (KOMID) External Affairs Officer

   b. *AKA*: NA

   c. *Identifiers*: DOB: 30 July 1968, Nationality: DPRK

11. KIM TONG MY'ONG

   a. *Description*: Kim Tong My'ong is the President of Tanchon Commercial Bank and has held various positions within Tanchon Commercial bank since at least 2002. He has also played a role in managing Amroggang's affairs.

   b. *AKA*: Kim Chin-So'k, Kim Tong-Myong, Kim Jin-Sok; Kim, Hyok-Chol

   c. *Identifiers*: DOB: 1964; Nationality: DPRK

12. KIM YONG CHOL

   a. *Description*: KOMID Representative in Iran

   b. *AKA*: NA

   c. *Identifiers*: DOB. 18 February 1962; Nationality: DPRK

13. KO TAE HUN

a. *Description*: Tanchon Commercial Bank Representative

b. *AKA*: Kim Myong Gi

c. *Identifiers*: Passport: 563120630; Passport Date of Expiration: 20 March 2018, D.O.B. 25 May 1972; Nationality: DPRK

14. RI MAN GON

a. *Description*: Ri Man Gon is the Minister of the Munitions Industry Department.

b. *AKA*: n/a

c. *Identifiers*: DOB: 29 October 1945; Passport number: PO381230469; Passport Date of Expiration: 6 April 2016; Nationality: DPRK

15. RYU JIN

a. *Description*: KOMID Representative in Syria

b. *AKA*: NA

c. *Identifiers*: DOB: 07 August 1965; Passport Number: 563410081; Nationality: DPRK

16. YU CHOL U

a. *Description*: Yu Chol U is the Director of the National Aerospace Development Administration.

b. *AKA*: n/a

c. *Identifiers*: Nationality: DPRK

List Update for Alias: Ra, Kyong-Su (KPi.008) — *New AKA*: Chang, Myong Ho

Annex II

Asset Freeze (Entities)

1. ACADEMY OF NATIONAL DEFENSE SCIENCE

   a. *Description*: The Academy of National Defense Science is involved in the DPRK's efforts to advance the development of its ballistic missile and nuclear weapons programs.

   b. *AKA*: n/a

   c. *Location*: Pyongyang, DPRK

2. CHONGCHONGANG SHIPPING COMPANY

   a. *Description*: The Chongchongang Shipping Company, through its vessel, the Chong Chon Gang, attempted to directly import the illicit shipment of conventional weapons and arms to the DPRK in July 2013.

   b. *AKA*: Chong Chon Gang Shipping Co. Ltd.

   c. *Location*: Address: 817 Haeun, Donghung-dong, Central District, Pyongyang, DPRK; Alternate Address: 817, Haeum, Tonghun-dong, Chung-gu, Pyongyang, DPRK; IMO Number: 5342883

3. DAEDONG CREDIT BANK (DCB)

   a. *Description*: Daedong Credit Bank has provided financial services to the Korea Mining Development Trading Corporation (KOMID) and Tanchon Commercial Bank. Since at least 2007, DCB has facilitated hundreds of financial transactions worth millions of dollars on behalf of KOMID and Tanchon Commercial Bank. In some cases, DCB has knowingly facilitated transactions by using deceptive financial practices.

   b. *AKA*: DCB; AKA: Taedong Credit Bank

   c. *Location*: Address: Suite 401, Potonggang Hotel, Ansan-Dong, Pyongchon District, Pyongyang, DPRK; Alternate Address: Ansan-dong, Botonggang Hotel, Pongchon, Pyongyang, DPRK; SWIFT: DCBK KKPY

4. HESONG TRADING COMPANY

   a. *Description*: The Korea Mining Development Trading Corporation (KOMID) is the parent company of Hesong Trading Corporation.

   b. *Location*: Pyongyang, DPRK

5. KOREA KWANGSON BANKING CORPORATION (KKBC)

   a. *Description*: KKBC provides financial services in support to Tanchon Commercial Bank and Korea Hyoksin Trading Corporation, a subordinate of the Korea Ryonbong General Corporation. Tanchon Commercial Bank has used KKBC to facilitate funds transfers likely amounting to millions of dollars, including transfers involving Korea Mining Development Corporation related funds.

b. *AKA*: KKBC

c. *Address*: Jungson-dong, Sungri Street, Central District, Pyongyang, DPRK

6. KOREA KWANGSONG TRADING CORPORATION

a. *Description*: The Korea Ryongbong General Corporation is the parent company of Korea Kwangsong Trading Corporation.

b. *Address*: Rakwon-dong, Pothonggang District, Pyongyang, DPRK

7. MINISTRY OF ATOMIC ENERGY INDUSTRY

a. *Description*: The Ministry of Atomic Energy Industry was created in 2013 for the purpose of modernizing the DPRK's atomic energy industry to increase the production of nuclear materials, improve their quality, and further develop an independent DPRK nuclear industry. As such, the MAEI is known to be a critical player in the DPRK's development of nuclear weapons and is in charge of day-to-day operation of the country's nuclear weapons program, and under it are other nuclear-related organizations. Under this ministry are a number of nuclear-related organizations and research centers, as well as two committees: an Isotope Application Committee and a Nuclear Energy Committee. The MAEI also directs a nuclear research center at Yongbyun, the site of the DPRK's known plutonium facilities. Furthermore, in the 2015 Panel of Experts (POE) report, the POE stated that Ri Je-son, a former director of the GBAE who was designated by the Committee established pursuant to resolution 1718 (2006) in 2009 for engagement in or support for nuclear related programs, was appointed as head of the MAEI on April 9, 2014.

b. *AKA*: MAEI

c. *Address*: Haeun-2-dong, Pyongchon District, Pyongyang, DPRK

8. MUNITIONS INDUSTRY DEPARTMENT

a. *Description*: The Munitions Industry Department is involved in key aspects of the DPRK's missile program. MID is responsible for overseeing the development of the DPRK's ballistic missiles, including the Taepo Dong-2. The MID oversees the DPRK's weapons production and R&D programs, including the DPRK's ballistic missile program. The Second Economic Committee and the Second Academy of Natural Sciences — also designated in August 2010 — are subordinate to the MID. The MID in recent years has worked to develop the KN08 road-mobile ICBM.

b. *AKA*: Military Supplies Industry Department

c. *Location*: Pyongyang, DPRK

9. NATIONAL AEROSPACE DEVELOPMENT ADMINISTRATION

a. *Description*: NADA is involved in the DPRK's development of space science and technology, including satellite launches and carrier rockets.

b. *AKA*: NADA

c. *Location*: DPRK

10. OFFICE 39

a. *Description*: DPRK government entity.

b. *AKA*: Office #39; AKA: Office No. 39; AKA: Bureau 39; AKA: Central Committee Bureau 39; AKA: Third Floor; AKA: Division 39

c. *Location*: DPRK

11. RECONNAISSANCE GENERAL BUREAU

a. *Description*: The Reconnaissance General Bureau is the DPRK's premiere intelligence organization, created in early 2009 by the merger of existing intelligence organizations from the Korean Workers' Party, the Operations Department and Office 35, and the Reconnaissance Bureau of the Korean People's Army. The Reconnaissance General Bureau trades in conventional arms and controls the DPRK conventional arms firm Green Pine Associated Corporation.

b. *AKA*: Chongch'al Ch'ongguk; KPA Unit 586; RGB

c. *Location*: Address: Hyongjesan-Guyok, Pyongyang, DPRK; Alternate Address: Nungrado, Pyongyang, DPRK.

12. SECOND ECONOMIC COMMITTEE

a. *Description*: The Second Economic Committee is involved in key aspects of the DPRK's missile program. The Second Economic Committee is responsible for overseeing the production of the DPRK's ballistic missiles, and directs the activities of KOMID.

b. *AKA*: N/A

c. *Location*: Kangdong, DPRK

List Update for Alias: NAMCHONGANG TRADING CORPORATION (KPe.004) — *New AKA*: Namhung Trading Corporation

Annex III

OMM Vessels

	Ship Name	*IMO Number*
1.	CHOL RYONG (RYONG GUN BONG)	8606173
2.	CHONG BONG(GREENLIGHT)(BLUE NOUVELLE)	8909575
3.	CHONG RIM 2	8916293
4.	DAWNLIGHT	9110236
5.	EVER BRIGHT 88 (J STAR)	8914934
6.	GOLD STAR 3 (BENEVOLENCE 2)	8405402
7.	HOE RYONG	9041552
8.	HU CHANG (O UN CHONG NYON)	8330815
9.	HUI CHON (HWANG GUM SAN 2)	8405270
10.	JH 86	8602531
11.	JI HYE SAN (HYOK SIN 2)	8018900
12.	JIN Tal	9163154
13.	JIN TENG	9163166
14.	KANG GYE (PI RYU GANG)	8829593
15.	MI RIM	8713471
16.	MI RIM 2	9361407
17.	O RANG (PO THONG GANG)	8829555
18.	ORION STAR (RICHOCEAN)	9333589
19.	RA NAM 2	8625545
20.	RANAM 3	9314650
21.	RYO MYONG	8987333
22.	RYONG RIM (JON JIN 2)	8018912
23.	SE PHO (RAK WON 2)	8819017
24.	SONGJIN (JANG JA SAN CHONG NYON HO)	8133530
25.	SOUTH HILL 2	8412467
26.	SOUTH HILL 5	9138680
27.	TAN CHON (RYONG GANG 2)	7640378

Ship Name	*IMO Number*
28. THAE PYONG SAN (PETREL 1)	9009085
29. TONG HUNG SAN (CHONG CHON GANG)	7937317
30. GRAND KARO	8511823
31. TONG HUNG 1	8661575

Annex IV:

Luxury Goods

(a) Luxury watches: wrist, pocket, and other with a case of precious metal or of metal clad with precious metal

(b) Transportation items, as follows:

(1) aquatic recreational vehicles (such as personal watercraft)

(2) snowmobiles (valued greater than $2,000)

(c) Items of lead crystal

(d) Recreational sports equipment

United Nations S/2016/203

Security Council

Distr.: General
15 February 2016

Original: English

Report of the Secretary-General concerning the credentials of the alternate representative of the Russian Federation on the Security Council

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a letter dated 12 February 2016 from the Permanent Representative of the Russian Federation to the United Nations stating that Mr. Dmitry V. Melnikov has been appointed alternate representative of the Russian Federation on the Security Council.

In the opinion of the Secretary-General, that letter constitutes adequate provisional credentials.

16-03311 (E) 020316

Please recycle

United Nations S/2016/204

Security Council

Distr.: General
1 March 2016

Original: English

Letter dated 1 March 2016 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council

I have the honour to enclose herewith the Statement of the Ministry of Foreign Affairs of Ukraine on the implementation of the Minsk agreements (see annex).

I should be grateful if you would circulate the present letter and its annex as a document of the Security Council.

(*Signed*) Volodymyr **Yelchenko**
Ambassador
Permanent Representative

16-03323 (E) 030316

Please recycle

Annex to the letter dated 1 March 2016 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council

Statement of the Ministry of Foreign Affairs of Ukraine on the implementation of the Minsk agreements

29 February 2016

On 20 February 2014, Russia launched an armed aggression against Ukraine by occupying the Autonomous Republic of Crimea and the city of Sevastopol. This aggression now continues in the Donbas.

Since the beginning of the aggression, over 2,600 Ukrainian servicemen have been killed and more than 9,000 wounded. Only in the two months of 2016, Ukrainian positions have been shelled over 2,500 times, leaving 12 Ukrainian servicemen killed and more than 150 wounded.

During these years of aggression, a 40,000-strong army has been built up in the Donbas financed, equipped and maintained by Russia and commanded by Russian officers. This army has been supplied with sophisticated modern Russian weaponry: heavy artillery and multiple launch rocket systems such as BM-21 Grad, Tornado and TOS-1 Buratino, surveillance and secure communication devices (electronic warfare complexes Rtut-BM, Shipovnik-Aero, Leer-2, 1RL257 Krasukha-4) and air defence systems Buk (SA-11 Gadfly), Strela (SA-13 Gopher) and Pantzyr (SA-22 Greyhound). Now it has nearly 470 tanks, 870 armoured combat vehicles, 450 artillery systems and 190 multiple launch rocket systems (MLRS). Russia has been also using such prohibited weapons as cluster warheads (9M55K, 9N235) and anti-personnel mines (PMN-2, MON-50).

Ukraine has been consistently implementing its commitments under the Minsk agreements on security, political, humanitarian and social-economic tracks. It ceased the fire; guaranteed full access of the Special Monitoring Mission (SMM) monitors; presented a concept on modalities of local elections in the certain areas of the Donbas based on the Minsk agreements, international standards and Ukrainian legislation; and made an important step towards political settlement, adopting the draft law on amending the Constitution in the first reading.

The Ukrainian Government continues delivering natural gas and electricity to militant-controlled areas and allocates pensions and other social benefits to Ukrainian citizens in the occupied territories of Donbas. Under constant shelling, Ukrainian teams are repairing infrastructure, gas, water and power lines to secure the needs of the civilian population.

Russia has fulfilled none of its obligations under the Minsk agreements.

Russia and its proxies continue military provocations, including by using the weapons that should have been withdrawn under the Organization for Security and Cooperation in Europe (OSCE) monitoring and verification — multiple launch rocket systems, self-propelled artillery and 82-mm and 120-mm mortars. Russian troops in Donbas continue with unfettered rotation, training and supply through the uncontrolled sections of the state border.

Thus far, the OSCE SMM has not been provided with full, secure and unhindered access to all territories controlled by Russia and its proxies. No progress has been achieved on OSCE access to the border and on establishing the security zone, as envisaged by the Minsk agreements, to stop and prevent the massive inflow of weapons and troops to Ukraine.

Russia and its proxies continuously obstruct releasing more than 130 Ukrainian hostages, while subjecting them to inhuman treatment and tortures and threatening the hostages with capital punishment based on the Union of Soviet Socialist Republics (USSR) criminal code.

Russia continues political persecutions of Ukrainian citizens and refuses to release the Ukrainian political prisoners Savchenko, Sentsov, Kolchenko and others, illegally detained in Russia.

Russia and the militants are blocking the delivery of Ukrainian and international humanitarian aid to the civil population and systemically impede activities of the international humanitarian organizations, including the International Committee of the Red Cross (ICRC).

Ukraine urges all United Nations Member States to demand from the Russian Federation to fulfil all its commitments under the Charter of the United Nations and international law, to implement the Minsk agreements in full and in good faith and to stop immediately all acts of aggression against Ukraine.

We call on the international community to exert maximum pressure on Russia and maintain sanctions until Donbas and Crimea are de-occupied and the territorial integrity and sovereignty of Ukraine is restored.